

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JEFFREY ANDERSON,

Plaintiff,

Case No. 3:16-cv-02502
Hon. Denise Page Hood

v.

KRISPY KREME DOUGHNUT
CORPORATION *et al.*,

Defendants.

_____ /

ORDER ACCEPTING REPORT AND RECOMMENDATION
AND DISMISSING ACTION WITH PREJUDICE

This matter comes before the Court on Magistrate Judge Barbara D. Holmes' Report and Recommendation. [#31] Plaintiff Jeffrey Anderson, currently proceeding in pro per following the withdrawal of his counsel and Plaintiff's failure to obtain new counsel, filed this action on September 20, 2016, alleging that Defendants violated his rights under the Americans with Disabilities Act. On March 16, 2017, Defendants filed a Joint Motion to Dismiss for lack of prosecution. The Magistrate Judge recommends that the Court grant the Joint Motion to Dismiss, dismiss Plaintiff's cause of action, with prejudice, for failure to prosecute and obey Court orders. Neither party filed an objection to the Report and Recommendation.

The Court has had an opportunity to review this matter and finds that the

Magistrate Judge reached the correct conclusions for the proper reasons. Finding no error in the Magistrate Judge's Report and Recommendation, the Court adopts the Report and Recommendation in its entirety. Furthermore, as neither party has raised an objection to the Report and Recommendation, the Court finds that the parties have waived any further objections to the Report and Recommendation. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987) (a party's failure to file any objections waives his or her right to further appeal); *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

For the reasons stated above,

IT IS ORDERED that the Report and Recommendation [Docket No. 31, filed April 21, 2017] is **ADOPTED** as this Court's findings of fact and conclusions of law.

IT IS FURTHER ORDERED that Defendants' Joint Motion to Dismiss [Docket No. 28] is **GRANTED**.

IT IS FURTHER ORDERED that this action is **DISMISSED WITH PREJUDICE**.

DATED: May 30, 2017

s/Denise Page Hood
DENISE PAGE HOOD
UNITED STATES DISTRICT JUDGE
SITTING BY SPECIAL DESIGNATION